

## **Delta Protection Commission 2003-2004 Legislation**

**AB 66 (2003-2004) , Leslie:** SEN APPROPRIATIONS ( Version (amended sen) 2003-06-30 )

Topic: Riparian habitat: Adopt-A-Riverway Program.

Last Action: Withdrawn from committee. Re-referred to Com. on APPR. (2003-07-02)

Scheduled Hearing Date: 2003-07-14 (SEN APPROPRIATIONS)

**Digest Summary:** Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets. This bill would authorize the Department of Food and Agriculture to accept funds or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of operating a government-volunteer partnership Adopt-A-Riverway Program.

In addition, this bill would allow CA Department of Food & Agriculture (CDFA) to receive funds or services from any person to assist a weed management area in implementing an integrated weed management plan. The Noxious Weed Management Account was created in 1999. The funds dedicated to this program have been close to \$5.4 million, but the funds are now essentially fully committed. State costs have been identified as follows: 1) About \$175,000 in FY 2003-04, to the CDFA to establish the Program and to set up the system to receive private donations and other funding; 2) about \$250,000 annually starting in FY 2004-05, to the CDFA to administer the program; 3) about \$120,000 annually starting in FY 2003-04, to the CDFA to establish and administer a new grant program. CDFA has identified costs at approx. 10% of program funds.

Due primarily to the objections by the National Highway Safety Board over the proliferation of road signs, the Department of Transportation was removed from the bill. With the removal of State highways, California would have more access to federal monies. Funds have been set aside for weed control for states that show a desire to abate weeds. Current version leaves the placement of signs to the decision of local governments. The signs could be placed on i.e., bike paths, picnic areas, American River Parkway. The 6/30 amendment added 15% funding for DF&A to administer the program. No Department approved positions. Expected to be a One Year Bill.

ADMINISTRATION: No Position.

SUPPORT: Regional Council of Rural Counties, Recreational Boaters of California, CA Park & Recreation Society, CA Municipal Utilities Assoc., Placer County Water Agency, Marina Recreation Assoc., CA Assoc. of Harbor Masters and Port Captains.

VOTES: WP&W 4/8 = 19-0; ES&TS 4/29 = 7-0; A.APP. 5/20 = 23-1. A.Floor 6/2 = 80-0.

**AB 105 (2003-2004) , Wiggins:** SEN NATURAL RESOURCES AND WILDLIFE ( Version (amended sen) 2003-07-02 )

Topic: Agricultural land preservation.

Last Action: Withdrawn from committee. Re-referred to Com. on APPR. (2003-07-03)

**Digest Summary:** (1) Existing law establishes the California Environmental Quality Improvement Revolving Loan Program within the Department of Conservation to provide loans to farmers to carry out practices approved for cost-share payments under the federal Environmental Quality Incentive Program. This bill would repeal the provisions establishing that program.

This bill proposes to repeal provisions that established the California Environmental Quality Improvement Loan Program (CEQILP), and the Coastal Farmland Preservation (CFP) program, and appropriated \$48 million of the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) bond funds to the California Department of Conservation (DOC) for grants under the California Farmland Conservancy Program (CFCP) as well as associated program costs of CFCP. Assembly Bill 52 (Wiggins, 2002) appropriated \$2.4 million for the CEQA Revolving Loan Program, and \$2.4 million for the CFP program. The Governor approved the language, but vetoed the funding due to technical concerns: The CEQIRLP is not a grant program, but rather a loan program which made it ineligible for Prop 40 funding. The 7/2 amendment restored the appropriate funding language.

SPONSOR: Coastal Conservancy.

SUPPORT: American Farmland Trust, CA Farm Bureau Federation, DOC, and the Wine Institute. DF&A - No Position, no concerns.

VOTES: Assb. Natural Resources 3/4 9-3; Assb. AG Committee 4/10 = 10-0; A.APP. 5/28 = 23-1; A.Floor 6/3 = 72-2; Senate Ag & Water Resources 7/1 = 8-0. Status: Senate Appropriations - Not set.

**AB 107 (2003-2004) , Corbett:** SEN AGRICULTURE AND WATER RESOURCES ( Version (amended sen) 2003-06-24 )

Topic: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: In committee: Set, first hearing. Hearing canceled at the request of author. (2003-07-01)

**Digest Summary:** The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill would require that the funds made available for these purposes are to be appropriated to the State Department of Health Services .

This 6/24 amendment removed DWR and added Dept. of Health Services (DHS). Authors's office advises this bill seeks to ensure Northern California will receive "regional equity" of water and also ensures that the Prop. 50 funds committed to secure water sources against terrorist attack are spent equitable, and in a manner consistent with last year's bond act. DHS would be directed, in consultation with DWR and Governor's Homeland Security Office, to develop a process for awarding loans and grants. In addition, Senator Machado put funding language in a Budget Trailer Bill and may recommend that Corbett's measure be held in committee. This will be sorted out after the Budget is approved. Proposition 50 was passed in November 2002 and authorized the issuance of \$3.44 billion in G.O. bonds for specified purposes. Proponents include

members of a group of seven Bay Area water agencies that have joined together as the Bay Area Water Agency Coalition.

VOTE: Water, Parks and Wildlife 4/22 = 18-0; A.APP. 5/28 = 18-6; A.Floor 6/4 = 67-6. Senate policy hearing cancelled 7/1 at the request of author. Bill likely to be amended and re-set.

**AB 944 (2003-2004) , Matthews: SEN ( Version (amended sen) 2003-06-25 )**

Topic: Agricultural lands: local plans.

Last Action: Read second time. To third reading. (2003-07-03)

Scheduled File: ASSEMBLY BILLS-THIRD READING FILE (Item # 92)

**Digest Summary:** The Planning and Zoning Law requires that the general plan of a city or county include specified elements, including a land use plan that designates the proposed general distribution and general location and extent of the uses of the land for, among other things, housing, business, industry, and open space, including agriculture. This bill would change references from open-space lands to agricultural and open-space lands, would rename the open-space plan of the general plan as the agricultural and open-space element of the general plan, and would make other conforming changes.

This bill is sponsored by the author. The intent of the measure is to encourage agriculture planners to recognize agriculture as a viable, contributing business. AB 944 allows, but does not require, counties to create or amend their agricultural and open-space elements in ways that accommodate differing types of agricultural and open-space land use, provide for long-term agricultural and open-space land preservation, and otherwise encourage both the preservation of agricultural land and the continuation of farming and ranching as economically vital parts of the state's economy. The sponsor notes that California loses approximately 50,000 acres of productive farmland annually, and the rate of loss is growing as development moves further into agricultural areas. Not only is farmland lost by having houses or shopping centers built on it, the land is also often rendered unusable because of conflicts that arise when local governments permit incompatible land uses, such as housing, in close proximity to farming or ranching.

SUPPORT: American Planning Association-CA Chapter.

VOTE: Assb. Local Gov't 4/23 = 20-0; A.Floor 5/8 = 47-22; Senate Local Gov't 7/2 = 4-3.

As evidenced by the split votes, this is a very controversial measure. Opponents have questioned the need for the bill and believe this is the "nose under the tent" for a future mandated bill.

Author seeks to work out concerns, but has been unable to reach agreements. There may be confusion that the bill restricts land owners from selling their ag land. Staff advises this is not the intent. Due to pending negotiations, this may be a Two Year Bill.

**AB 1014 (2003-2004) , Canciamilla: SEN APPROPRIATIONS ( Version (amended sen) 2003-07-02 )**

Topic: Vessels: abandonment.

Last Action: Re-referred to Com. on APPR. pursuant to Joint Rule 10.5. (2003-07-03)

**Digest Summary:** Existing law prohibits any person from abandoning a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except as specified. This bill would

require the Department of Boating and Waterways, on or before January 1, 2005, to submit recommendations to the Legislature on strategies to prevent recreational vessels from being abandoned and to facilitate the ability of owners to turn in their recreational vessels to public agencies for disposal in lieu of abandonment.

This bill would require the Department of Boating & Waterways (DBW) to recommend strategies to prevent the abandonment of recreational vessels and appoint an advisory committee to assist with the recommendations. Membership would include public and private interests. The author believes this would encourage owners to turn-in, rather than abandon, their boats and thereby would protect the environment and save funds. Local jurisdictions do not have a mechanism in place that allows them to accept and dispose of abandoned vessels and to be reimbursed for their costs in doing so. The Delta Protection Commission tracked a similar measure last year, AB 537 (Canciamilla); the bill died in committee. The Assembly Appropriations Committee estimates \$50,000 costs in FY 2004-05.

ADMINISTRATION: No position. DB&W does not have an approved position, however, believes this bill is a necessary step to reduce abandoned vessels.

SPONSOR: Recreational Boaters of California.

SUPPORT: California State Sheriff's Association.

VOTE: Assb. Trans. 4/21 = 20-0; A.APP. 5/28 = 24-0; A.Floor 6/3 = 79-0; Senate Natural Resources and Water 6/24 = 9-0. Minor amendments 7/2. Status: Senate Appropriation - not set.

**AB 1015 (2003-2004) , Laird: ASM ( Version (amended asm) 2003-06-02 )**

Topic: Land use: water supply.

Last Action: (Corrected June 5. ) (2003-06-09)Anticipated File: ASM INACTIVE FILE.

**Digest Summary:** (1) Existing law requires a city or county general plan to include a specified land use element, requires the city or county to use a water agency's water management plan as a source document upon the adoption or revision of its general plan on or after January 1, 1996, and requires specified public water systems to provide certain information to the city or county planning agency upon notification of the proposed adoption or amendment of a general plan. This bill would require the land use element of the general plan to include, by July 1, 2006, a statement of sources of water supply and potential sources, as specified.

This bill would make various legislative findings including full and early consideration of water supply information. The bill would require; 1) the land use element of a general plan include a statement of existing and planned sources of water supply; 2) cities or counties to consult with specified entities in the preparation of the water supply component; and 3) would authorize local gov'ts to recover costs through imposed fees. Existing law requires cities and counties to prepare general plans for the community's future development, however, there is no requirement that the land use element of the general plan take water supply into account. The AG believes that land use planning and water supply planning needs to be connected directly in California's planning law. Opponents believe that the provisions of existing law are more than adequate to ensure that land use and water supply planning are being accomplished, and believe that adding another water verification provision at the general plan stage would open door to litigation and another tool for NIMBYs to stop needed infrastructure projects, including affordable housing. DWR has

not received an approved position on the current version, however, believe this bill would promote water conservation.

SPONSOR: Attorney General.

SUPPORT: East Bay Municipal Utility District (EBMUD); Natural Resources Defense Council; American Farmland Trust; Planning and Conservation League; Sierra Club.

OPPOSITION: Association of California Water Agencies (ACWA); CA Building Industry Assoc., CA Chamber of Commerce; CA Building Industry Assoc.; Assoc. of Realtors.

VOTE: Assb. Local Government 4/9 = 6-3; Assb. Water Parks & Wildlife 4/29 = 11-0; A.APP. 5/28 = 15-7. Status: Assembly Floor - not set.

**AB 1405 (2003-2004)** , Wolk and Harman: SEN NATURAL RESOURCES AND WILDLIFE ( Version (amended sen) 2003-07-07 )

Topic: California Watershed Protection and Restoration Act.

Last Action: Read second time, amended, and re-referred to Com. on N.R. & W. (2003-07-07)

Scheduled Hearing Date: 2003-07-10 (SEN NATURAL RESOURCES AND WILDLIFE)

**Digest Summary:** Existing law provides for a watershed protection program, and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs. This bill would enact the California Watershed Protection and Restoration Act.

This bill would propose a new State watershed policy. The author's office advises that approx. 400 local watershed groups and 150 watershed partnerships exist which involve several agencies. AB 2117 (Wayne, Chp. 735, Stats. of 2000) provided three watershed management projects and recommended the state adopt a formal statewide policy. This bill is reflective of those recommendations. The author believes this bill would promote participation in local watershed partnerships by all stakeholders, including local governments and establish a single set of guidelines for watershed management.

CO-SPONSORS: Regional Council of Rural Counties and CA Watershed Network.

SUPPORT: Yolo County; Solano County Water Agency.

OPPOSE: Los Angeles and Orange Counties; East Bay MUD. Administration - No Position. DWR & DF&A - tracking.

VOTES: Assb. Natural Resources 5/5 = 12-0; A.Floor 5/19 = 78-0. Status: Pending hearing in Senate Natural Resources and Wildlife. Significant amendments 7/2 will require measure to return to Assembly for concurrence.

**SB 21 (2003-2004) , Machado:** SEN APPROPRIATIONS (amended sen) 2003-06-02 )

Topic: Water: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: From committee with author's amendments. Read second time. Amended.

Re-referred to committee. (2003-06-02)

**Digest Summary:** (1) The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes the state to issue general obligation bonds in the amount of \$3,440,000,000 for the purposes of the act. This bill would require various state agencies to establish guidelines for the purposes of implementing the act.

This bill would clarify the guidelines for administering grants/loans and the administration of various sections of Proposition 50. DWR estimates one-time costs of about \$769,000 and ongoing cost of \$395,00. No Administration position.

VOTE: Senate Env. Quality 5/12 = 5-0; S.APP. voted 5/22, 11-0 to send to Suspense File. Negotiations pending.

**SB 86 (2003-2004) , Machado:** ASM NATURAL RESOURCES ( Version (amended sen) 2003-06-03 )

Topic: Sacramento-San Joaquin Delta protection: resource management plan.

Last Action: To Com. on NAT. RES. (2003-06-09)

**Digest Summary:** This bill would authorize, rather than require, the commission to appoint advisory committees, as necessary, for the purpose of providing timely comments, advice, and information.

Previous version was identical to SB 1854, Machado, 2002. The Delta Protection Commission supported last year's measure with amendments. The current measure as amended 6/3, is a spot bill proposing minor amendments to the DPC. Two Year Bill

No SUPPORT/OPPOSITON on the current version.

VOTE: Senate policy and appropriation committee votes not relevant; Senate Floor 6/4 = 77-11..

**SB 216 (2003-2004) , Sher:** ASM APPROPRIATIONS ( Version (amended asm) 2003-06-23 )

Topic: Endangered species: recovery strategy pilot program.

Last Action: From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 14. Noes 5.) Re-referred to Com. on APPR. (2003-07-01)

**Digest Summary:** Existing law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill crane. This bill would repeal the authority of the commission to identify additional species for a recovery program.

This pilot program is specifically limited to the development of a recovery strategy for the Greater Sandhill Crane, which has been listed as a threatened species since 1983. The proposed recovery strategy would be subject to a public hearing process. The program would sunset 1/1/09. AB 350 (Bustamante, Chp. 974, Stat. 1996) required Department of Fish & Game to

implement a recovery strategy for coho salmon if the Legislature provided funding (DFG draft plan is expected to be ready for peer review this summer). G.F. costs for this bill are estimated \$1 million in 2004-05 and \$1 million in 2005-06. DF&G has tracked this measure and have no concerns. VOTE: Senate Natural Resources & Wildlife 4/8 = 6-2; S.APP. 5/29 = 8-5; S.Floor 6/4 = 24-13; Assb. WP&WL 7/1 = 14-5. Expected to be a One Year Bill.

**SB 518 (2003-2004) , Escutia:** SEN AGRICULTURE AND WATER RESOURCES ( Version (amended sen) 2003-04-21 )

Topic: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: Testimony taken. Hearing postponed by committee. (2003-04-22)

**Digest Summary:** The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000. This bill would require agencies required to carry out certain provisions of the act to consider adopting criteria that include a preference for projects that benefit those areas with the highest population density and that face water supply shortages because their domestic water wells are located within 500 feet of groundwater recharge areas, and projects that benefit severely economically disadvantaged areas , as defined, or economically disadvantaged areas , as defined, that will enhance environmental justice, if those projects are otherwise eligible for assistance in accordance with the applicable requirements of the act.

This bill proposes to ensure that urban areas and areas with special needs receive an equitable allocation of available funds. Defines "economically disadvantaged area" as an area with an annual median household income between \$37,000 and \$47,000 and an unemployment rate between 7 and 9, based on the most recent federal census. This bill creates a priority for funding through the CalFed Bay-Delta Program.

SUPPORT: Central Basin Water Assoc.; South Montebello Irrigation District. VOTE: Only testimony taken at the 4/17 hearing.

**SB 972 (2003-2004) , Denham:** SEN ( Version (introduced) 2003-02-21 )

Topic: Noxious weeds.

Last Action: To Com. on RLS. (2003-03-13)

**Digest Summary:** Existing law provides a noxious weed management program, and includes legislative findings and declarations concerning noxious weeds and their impacts. This bill would make a nonsubstantive change in those provisions.

This is a spot bill. No hearings set.